

MESSAGE NO: 5007202 MESSAGE DATE: 01/07/2005

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-848

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/17/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON FRESHWATER CRAWFISH TAIL MEAT FROM
THE PEOPLE'S REPUBLIC OF CHINA A-570-848

MESSAGE NO: 5007202

DATE: 01 07 2005

CATEGORY: ADA

TYPE: SCO

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 848

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PERIOD COVERED: 12 17 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING ON FRESHWATER CRAWFISH TAIL
MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA A-570-848

1. ON 12/17/2004, IN RESPONSE TO A REQUEST BY COASTAL FOODS, LLC (COASTAL), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT COASTAL'S CRAWFISH ETOUFFEE (ETOUFFEE) IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING FRESHWATER CRAWFISH TAIL MEAT FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) A-570-848.

2. THE COMMERCE DEPARTMENT HAS DETERMINED THAT COASTAL'S

ETOUFFEE IS NOT INCLUDED IN THE ORDER ON FRESHWATER CRAWFISH TAIL MEAT FROM THE PRC. THE SCOPE OF THE ORDER SPECIFICALLY REFERS TO TAIL MEAT, NOT OTHER MEALS WHICH CONTAIN TAIL MEAT AS AN INGREDIENT. HOWEVER, AS THE SCOPE IS NOT DISPOSITIVE, THE DEPARTMENT HAS CONSIDERED TAIL MEAT UNDER SECTION 351.225(K)(2) OF THE DEPARTMENT'S REGULATIONS. UNDER THIS CRITERIA, THE DEPARTMENT HAS TAKEN INTO ACCOUNT THE OVERALL PHYSICAL CHARACTERISTICS OF BOTH PRODUCTS, THE EXPECTATIONS OF THE ULTIMATE USERS, AND THE USES FOR BOTH TAIL MEAT AND ETOUFFEE. ACCORDINGLY, WE HAVE DETERMINED THAT COASTAL'S ETOUFFEE IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING FRESHWATER CRAWFISH TAIL MEAT FROM THE PRC.

3. EFFECTIVE 12/17/2004, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE ETOUFFEE LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE ETOUFFEE LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF FRESHWATER CRAWFISH TAIL MEAT SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING FRESHWATER CRAWFISH TAIL MEAT FROM THE PRC.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:STF).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party